

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on February 25, 2003, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present

Dennis A. Kramer  
Lawrence Littman  
Cindy Pennington  
Robert Schultz  
Walter Storrs  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Absent

Gary Chamberlain

Also Present

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution**

Moved by Wright

Seconded by Storrs

**RESOLVED**, that Mr. Chamberlain be excused from attendance at this meeting.

Yeas

All present (8)

Absent

Chamberlain

**MOTION CARRIED**

2. MINUTES

Ms. Pennington requested that the February 4, 2003 minutes reflect under item 5, Work Program for Planning Commission Projects, her request to add the Rochester Road corridor study to the list of future items to discuss.

**Resolution**

Moved by Pennington

Seconded by Schultz

**RESOLVED** to approve the February 4, 2003, Planning Commission Special/Study Meeting minutes as corrected.

Yeas

Kramer  
Littman  
Pennington  
Schultz  
Storrs  
Vleck  
Waller

Abstain

Wright

Absent

Chamberlain

**MOTION CARRIED****Resolution**

Moved by Wright

Seconded by Schultz

**RESOLVED** to approve the February 11, 2003, Planning Commission Special/Study Meeting minutes as published.

Yeas

All present (8)

Absent

Chamberlain

**MOTION CARRIED****3. PUBLIC COMMENT**

Phil Ode, 4508 Whisper Way, Troy, was present to speak with respect to amateur radio antennas. Mr. Ode asked the Commission to give consideration to the series of photographs taken of different types of antennas in and around the City, noting that none of the photographed antennas would be approved under the ordinance amendments as proposed. He feels that one of the problems the Amateur Radio Committee is running into is trying to establish a specific antenna height, which he feels must be done on an individual basis. It is Mr. Ode's opinion that the ordinance should be more generalized with respect to antenna height. Mr. Ode said that the frequency involved would determine the desired height and the range of communications, noting there would be good and bad days for reception. Mr. Ode said that normal conditions would dictate a middle ground of approximately 66 feet and that the norm in the southeastern area of Michigan is 75 feet.

Mr. Ode addressed emergency communications and noted that it has been proven many times that ham radios have been the only communications available in emergency situations. Mr. Ode said a ham radio operator is a government representative who agrees to provide emergency communications, equipment and trained operators in a time of need.

Mr. Ode summarized that the height of an antenna can be argued to great length and recommended the Commission meet in the middle ground. Mr. Ode confirmed he and the ham radio club members would provide full support to the Commission in obtaining changes to the ordinance text.

#### 4. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller gave a summary of the DDA meeting held on February 19, 2003.

##### Civic Center and Conference Center

The City will be seeking Letters of Intent from six developers within the parameters of the resolution passed by City Council for the proposed civic center/conference center.

##### Proposed Retail/Restaurant Development (former Denny's Restaurant) North of Big Beaver, West side of Crooks

The DDA agreed to dedicate \$19,000 to the developer, Harvey Weiss, to lower the grade on this project.

Mr. Weiss was appointed as a member to the DDA (Mr. Miller noted that Mr. Weiss abstained from the vote relating to the former Denny's Restaurant project).

##### Rochester Commons and Sterling Corporate Center PUD's

Mr. Miller provided the DDA with an update of the two proposed PUD's. Members of the DDA were receptive to the Rochester Commons PUD, but the Sterling Corporate Center PUD created a spirited discussion with relation to the amount of proposed office space.

Discussion followed with respect to the PUD ordinance requirement of connecting restaurants.

##### Council Resolution regarding SmartZone

City Council passed a resolution (4-3 vote) to set a public hearing for the purpose of discussing the creation of a SmartZone on the south side of Big Beaver, near Bellingham (former airport site). Mr. Miller explained that SmartZone is a State legislative venture to attract businesses and redevelopment in certified business parks. Doug Smith, Real Estate and Development Director, will update the Planning Commission at the March 25, 2003 Special/Study Meeting.

#### 5. BOARD OF ZONING APPEALS REPORT

Mr. Vleck reported on the February 18, 2003 BZA meeting.

Covenant Baptist Church

The BZA granted a variance for permanent relief of the required masonry wall at the Covenant Baptist Church.

Nino Salvaggio Marketplace

The BZA granted a variance for relief of the current 45 feet front yard setback (originally 75 feet) to 15 feet, but the additional 30 feet setback can only be used during the months of May and June for temporary plant and flower display; further it is required that the property be returned to its original state after June 30.

Good Development LLC

Good Development LLC, Versatube, located on Rochester Road next to McDonalds and the DPW Building, was granted a variance to construct an addition to the existing non-conforming industrial building and relief of the required landscaping from 10% to just under 7%.

St. Mark Coptic Orthodox Church

The BZA denied the church's request for relief to modify its previously approved site plan to eliminate a berm for the west 210 feet of the parking lot that is adjacent to residential.

Mr. Vleck stated that the City Engineering Department inadvertently approved a non-conforming site plan that required the church to put in only half of the landscaped berm, noting that on the second half of the property the church paved almost up to the property line. Mr. Vleck said that many residents attended the BZA meeting to voice their objections; and noted that after the meeting's adjournment, there was discussion among the residents with respect to the church installing a masonry wall.

## 6. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on Council actions taken at its February 3, 2003 Regular Meeting.

Council Action Items*Televising of Planning Commission Special/Study Meetings – **Approved***

Mr. Miller reported that City Council adopted a resolution to tape (for subsequent replay) all Planning Commission Special/Study Meetings. Mr. Miller explained that the only two rooms equipped for taping study meetings are the Council Chambers and Conference Room F (aka the Council Board Room). Mr. Miller asked the Commission's preference in meeting locations, noting that food and drinks are

prohibited in Conference Room F. Mr. Miller reported that there has not been a decision yet on televising live the regular meetings of the Planning Commission.

It was the consensus of the Commission to hold future Special/Study Meetings in Conference Room F, beginning with the March 4, 2003 meeting.

*Rezoning Application Z#687, West side of Livernois Road, south of Square Lake Road, Section 9, B-1 to H-S – **Approved***

*Preliminary Plan Review, Crestwood Site Condominium, north of Wattles, east of Livernois, R-1C – **Approved***

*Extension of Preliminary Plan Approval, Custer Estates Site Condominium, north side of Long Lake Road, east of John R, Section 12 – **Approved***

*Special Use Approval SU# 319, Troy Concept Center, Northeast corner of 14 Mile and Stephenson Highway, Section 35, R-C, Paint Booth - **Approved***

*Preliminary Site Condominium Review, Rockfield Site Condominium, north of Wattles and west of John R, Section 14, R-1C – **Approved***

*Rezoning Application Z#521, East side of John R, north of Long Lake, Section 12, R-1C to O-1 – **Approved***

*Final Plat Approval, West Oak Subdivision 1 and West Oak Subdivision 2, north of Big Beaver between Rochester Road and John R, Section 23 - **Approved***

*Woodside Baptist PUD #1 - As part of the PUD procedure, Mr. Miller reported that he and Mr. Savidant are meeting with the Fire Department with respect to developing a standard interconnection for emergency access that is multi-functional. The Planning Department's goal is to provide walkability and connection as well as an acceptable emergency access for the Fire Department.*

*Preliminary Site Condominium Review, Freund Site Condominium, east side of Adams Road, south of Square Lake Road, Section 7, R-1A – **Tabled to the March 3, 2003 Regular Meeting***

Mr. Miller reported that City Council has tabled the Freund project twice because they are questioning the legality of placing a site condominium over an existing subdivision. The City Attorney's office has confirmed that the opinion from the Attorney General's Office is that it is legal to create site condominiums without vacating the existing plat.

Ms. Lancaster stated that the City is not in a position to make a call on this matter, noting that the State has told the City they will not review site condominium projects. She explained that a review would encompass the overlaying of the site plan to the plat to assure that all interests are protected. Ms. Lancaster stated that

the Survey and Monumentation Division of the Department of Consumers and Industry is responsible for reviewing and approving plats, but it is her understanding they will not do so because their supervising agency is the Attorney General's Office.

Ms. Lancaster said that the City is somewhat caught in the middle and believes that if any action is taken by the neighbors, it should be against the State to get some kind of declaratory judgment that the State should be reviewing the plats.

#### K-Mart Corporate Headquarters

There was a brief discussion on the status of the K-Mart Corporate Headquarters.

#### Road Commission – Curb Cuts

In response to Chairman Littman's question relating to the Road Commission's procedure on curb cuts, Mr. Miller responded that City departments are working to coordinate curb cut projects with the County.

#### Street Maps

A brief discussion was held on the street maps distributed to the Commission. Mr. Miller stated that the Planning Department would create a more delineated street map and distribute them to the Commission.

### 7. SUB-COMMITTEE REPORTS

#### Amateur Radio Antenna (ZOTA #180)

Mr. Kramer reported that the committee met prior to this evening's meeting. The committee's conclusion was that a formal summary of the status of the committee's effort would be prepared and presented to the Planning Commission for review and recommendation to City Council. Mr. Kramer expressed that the committee is having difficulty in arriving at a definitive and formal resolution. He explained that the opinion of the committee is somewhat divided between a resolution that, in his opinion, gives rules and guidance to the BZA in terms of the process that they should follow without giving any permanent height definition or expanding the ordinance to a permanent height for the antennas. He noted that the words "effective communications" will remain in the ordinance for the BZA to determine the antenna height, based on the presentation of the petitioners and based on an outside expert's determination of "effective communications".

Mr. Vleck stated that some committee members would be satisfied to keep the ordinance as is and adding text to give additional guidance to the BZA. Mr. Vleck said he is more of the position that the height should be increased that would provide more leniency and a height limitation set. Mr. Vleck believes that the focus should be on

defining what is “effective communications” and that the committee should arrive at guidelines and criteria for a determined height. Mr. Vleck said that the committee is debating whether or not the Planning Commission or the BZA should define “effective communications”.

Mr. Miller recommended that a report be prepared and presented to the Planning Commission summarizing the committee’s studies. At that point, the Planning Commission as a whole can review the matter, make revisions if deemed necessary and determine a recommendation.

Mr. Miller announced that at the request of the Mayor, the Commission is in receipt of a copy of the Resolution passed by City Council at its August 8, 2002 meeting, as follows:

RESOLVED, That City Council direct the Planning Commission to revisit the current ordinance to reconsider a height more in compliance with federal standards for amateur radio transmission devices.

A short discussion followed.

The committee’s summary and recommendation will be presented at the next Special/Study Meeting scheduled on March 25, 2003, and April 8 is a tentative public hearing date.

Mr. Miller announced that at the request of the City Manager, he is preparing a status report on this item for the upcoming March 3<sup>rd</sup> City Council meeting.

#### Gateway

Mr. Storrs reported that the committee is on the Parks & Recreation Board’s next meeting agenda, noting he is unable to attend because he will be out of town. Mr. Storrs stated that the purpose of meeting with the Parks & Recreation Board is to explore the possibility of receiving grant money for gateway signage.

It was determined that Ms. Pennington would attend the Parks & Recreation Board meeting scheduled on March 13, 2003.

#### Special Use

There was no report available.

8. ALGER STREET VACATION REQUEST – Tabled from February 11, 2002 Regular Meeting

Chairman Littman announced that the Public Hearing remains open on this item.

Mr. Miller reported that he and Mr. Savidant met with the petitioner and explained to the petitioner that the zoning ordinance requires that the existing home on Alger Street be provided access on a road or, as an alternative because it is zoned M-1, provided a 40 foot wide easement which includes a 28 foot wide road built to City road standards. Mr. Miller said that all options were discussed with the petitioner and the petitioner is considering potential solutions; i.e., changing the complete building plan and/or seeking a variance.

A short discussion followed.

Mr. Miller recommended that the petitioner be provided enough time to assess his alternatives and that the vacation request be tabled to a regular meeting.

**PUBLIC HEARING OPENED**

No one was present to speak.

**PUBLIC HEARING CLOSED**

**Resolution**

Moved by Waller

Seconded by Schultz

**RESOLVED**, that Street Vacation Request (SV-179) be tabled to the April 8, 2003 Regular Meeting.

**Yeas**

All present (8)

**Absent**

Chamberlain

**MOTION CARRIED**

9. **ORDINANCE REVISION DISCUSSION** – Off Street Parking Requirements (ZOTA #198)

Mr. Miller reported that a new public hearing notice package should be assembled prior to reconvening the public hearing. He stated that the Planning Department would review both of the Planning Consultant's memoranda and report its findings to the Commission.

Mr. Miller said that the proposed text amendments would ultimately provide more flexibility and authority to the Planning Commission. Mr. Miller stated that in general the Planning Department agrees with the Planning Consultant's review. Mr. Miller cited one particular issue needed review by the Planning Commission, and that is the "largest working shift" standard. This criterion is used by many communities, and



asked for the Commission's input. Mr. Miller proposed that the Planning Department create a matrix incorporating the current text, proposed text amendments recommended by the Planning Consultant, and proposed text amendments recommended by the Planning Department, if different from the Planning Consultant's recommendation. Mr. Miller indicated that he could have the proposed text amendment matrix completed for the March 25, 2003 Special/Study Meeting.

Chairman Littman solicited comments on the "largest working shift" criterion.

Mr. Vleck does not see how the "largest working shift" criterion can be enforced because it is so dynamic and will change so often.

Mr. Kramer agrees with the comments of Mr. Miller's relating to the flexibility that will be provided to the Commission and Mr. Vleck's comments on the enforceability of such a criterion, but Mr. Kramer believes the word measurability should be added. He said that in order for something to be enforced, it must be measured; and he questioned the measurability of the "largest working shift". Mr. Kramer suggested that an asterisk be added to the definition of "number of beds" to display the Commission's definition, not the State's definition.

Mr. Wright said that he agrees with all the comments made so far, especially with the enforceability of the "largest working shift" criterion. Mr. Wright said that if a developer comes in with an office plan, generally the parking far exceeds the City's requirements.

Mr. Wright referenced the office research development on Crooks Road, north of Long Lake. He noted the Commission at the time had no intention of putting any freestanding structures in there; but as time went on, the Commission agreed to rezone to allow retail uses and restaurants to service the nearby officer workers. Mr. Wright said it was a great experiment for the City, noting that parking within the complex is quite interesting during lunch hours where parking spaces are nowhere to be seen and many vehicles end up parking illegally.

Mr. Schultz noted that the parking lots are again full during the evening hours when the University of Phoenix classes are in session.

Mr. Schultz agreed that the "largest working shift" criterion would be very difficult to enforce. Mr. Schultz also stated that he has concerns with respect to hospital parking and suggested it be given serious consideration.

Mr. Vleck suggested that higher parking standards be created that would allow petitioners to landbank parking spaces, noting that a mechanism should be in place to address any issues that may arise in the future.

It was agreed that the proposed off street parking text amendments would be ready for review and discussion at the March 25, 2003 Special/Study Session and a tentative date for the public hearing would be the April or May regular meeting.

## 10. WORK PROGRAM FOR PLANNING COMMISSION PROJECTS

Chairman Littman asked for comments with respect to the priority of the planning tasks designated on the time line.

After much discussion, the following was agreed upon.

### Tasks deleted from list

Cellular Towers  
Solar Ordinance

### Tasks added to list

Grease Pits (add to "Dumpsters")  
Amateur Radios (*in process*)  
Master Plan Study  
Rochester Road Corridor Study  
Planned Auto Center Zoning District  
Kmart Headquarters (Big Beaver and Coolidge)

### Priority Order of Tasks

1. Uniformity of PUD Analysis
2. CR-1 Zoning District Amendments
3. Tree Preservation, Landscape Plans and Walls
4. Dumpsters and Grease Pits
5. Final Site Plan

### Priority Order of Land Use Studies

1. Maple Road
2. Rochester Road Corridor
3. Crooks and Big Beaver (*in process*)
4. Dequindre and Long Lake (*in process*)

### Tasks in Process

Amateur Radios  
Off-Street Parking Requirements  
Detention/Retention (*Waller to draft Council Resolution*)  
City Entranceways / Gateway  
Special Use Approvals  
Bylaws (*Attorney's Office to draft memo*)  
Site Plan Review of Building Remodel and Public Projects (*Planning Department to tweak ordinance*)

Chairman Littman requested that the Planning Department provide an updated Planning Tasks Time Line list.

### GOOD OF THE ORDER

Chairman Littman reminded the Commission of the site visit scheduled for the Sterling Corporate Center PUD prior to the next study meeting. All members are to meet at 6:30 p.m. in the Top of Troy lobby; from there, they will be escorted to the office of Doerhen Mayhew. Chairman Littman said he would inform the security guard to assist anyone from the public of the meeting location.

Chairman Littman mentioned that the attorney for the subdivision near the proposed Sterling Center Corporate PUD has informed him that homeowners are experiencing water problems in the southeastern portion of their development.

Mr. Miller announced that the City is in the process of revamping its fee schedule for all departments and that a proposal will probably go before City Council at their next meeting. Mr. Miller believes the intent is to include all the fees into one chapter of the City Code. Also, Mr. Miller believes that a change may be proposed to hold PUD developers responsible for any Planning Consultant fees.

Mr. Miller noted that he would not be attending the March 4 meeting.

Mr. Vleck reported that Shadycreek Estates development had some water problems over the weekend where five houses suffered severe water damage.

Mr. Miller said that the water damage resulted from backflow of a fire hydrant. He said if a homeowner was not home at the time to turn off the water, water rushed in and blew out valves causing a lot of damage. Mr. Miller believes that the City does not own the improvements and the responsibility should lie with the developer.

Mr. Vleck stated that brick pavers are beautiful, as is seen up and down Big Beaver and Coolidge, but it raises the question of maintenance of the brick pavers if they are to be used in any gateway project.

Mr. Vleck questioned the probability of receiving agenda packets in digital format and if digital format results in a savings.

Mr. Miller responded that digital format has an impetus to make an agenda larger but is deceiving because it is viewed in a CD format. Mr. Miller said the Planning Department and the Commissioners would need to acquire the technology to go to a digital format, noting that the City Manager's Office would have to address such a request.

Mr. Vleck commented that the Planning Department is very thorough in its preparation of agenda packets.

Jordan Keoleian, former student representative, was present. Mr. Keoleian spoke with respect to the amateur radio antenna item. Mr. Keoleian said the question is not about effective communications, but how bad the antenna is going to look and noted that height is arbitrary. Also, Mr. Keoleian questioned the city's gateway at the northeast corner of Big

Beaver and Rochester, and the Commission assured him that this location is 1<sup>st</sup> priority for a gateway entrance.

Ms. Pennington stated that there are some nasty looking antennas in the Raintree Subdivision where Mr. Keoleian lives and suggested that Mr. Vleck drive through the development.

Ms. Pennington said that she would not be attending the March 4 meeting.

Mr. Waller said he is encouraged about the upcoming discussion topics on the table.

Mr. Schultz feels that progress has been made with setting priority to the tasks. Mr. Schultz stated that he would not be attending the March 11 meeting.

Mr. Wright agrees that progress has been made with prioritizing the tasks.

Mr. Kramer said he would see everyone on Saturday evening at the Appreciation Dinner.

Mr. Savidant asked if Mr. Scott made a strong presentation on effective communications to the BZA; further, if more specific standards related to effective communications would be beneficial to the BZA.

Ms. Pennington said the BZA suggested a certain height with which Mr. Scott was not satisfied. Ms. Pennington stated that determination should be made on a case-by-case basis, and that the BZA was looking for documentation to justify the requested height.

Chairman Littman asked if the brick wall between the two condos on the north side of Long Lake is a dead issue.

Mr. Miller stated it is a site plan compliance issue.

## ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:35 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director